

Applic. No. 10/727,205
Amdt. dated January 17, 2007
Reply to Office action of October 17, 2006

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-21 and 23-31 remain in the application. Claim 17 has been amended. Claim 22 is being cancelled herewith. Claims 1-16 have been withdrawn from consideration.

In item 2 on page 2 of the above-identified Office action, the Examiner stated that newly submitted claims 1-16 are directed to an invention that is independent or distinct for the invention originally claimed. It is respectfully noted that method claim 1 has been amended to include all the limitations of the allowable device claim 17. Accordingly, the method claims includes allow of the limitations of the allowable device claim. Therefore, claims 1-16 are subject to rejoinder.

In item 3 on page 2 of the Office action, the Examiner stated that the misnumbered claim 23 has been renumber 22. Applicants acknowledge the misnumbering of the claim and appreciate the Examiner pointing out the discrepancy in the numbering of the claims and correction of the same.

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In item 4 on page 3 of the above-identified Office action, claim 22 has been objected to under 37 CFR 1.75(c), as being of improper independent form for failing to further limit the subject matter of a previous claim.

As noted above, claim 22 has been cancelled. Therefore, the objection to claim 22 by the Examiner has been overcome.

In item 6 on page 3 of the Office action, claims 17-31 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that there is insufficient antecedent basis for the limitation of "the determined actual position" in line 13 of claim 17.

Claim 17 has been amended so as to facilitate prosecution of the application. Therefore the rejection of claim 17 has been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are

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not provided for overcoming the prior art nor for any reason
related to the statutory requirements for a patent.

It is appreciatively noted from item 9 on page 4 of the Office
action that claims 17-21 and 23-31 would be allowable if
rewritten or amended to overcome the rejection under 35 U.S.C.
§112, second paragraph set forth in this Office action. As
noted above claim 17 has been amended. Therefore, claim 17
meets the requirements of 35 U.S.C. §112, second paragraph.

Accordingly claims 1-21 and 23-31 are allowable.

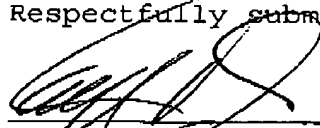
Since only allowable claims remain, the early issuance of a
Notice of Allowance is solicited herewith.

If an extension of time for this paper is required, petition
for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



For Applicant(s)

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